

BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

Case No. VN-2008-2507

DALE MAURICE ARMSTRONG  
3403 ½ West 82<sup>nd</sup> Street  
Inglewood, CA 90305

OAH No. 2011080760

Applicant for Vocational Nurse License


Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on October 25, 2012.

IT IS SO ORDERED this 25<sup>th</sup> day of September, 2012.



Todd D'Braunstein, PT  
President

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND  
PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

DALE MAURICE ARMSTRONG

Respondent.

Case No. VN 2008-2507

OAH No. 2011080760

**PROPOSED DECISION**

This matter was heard by Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings, on June 13, 2012, in Los Angeles, California.

Kimberly D. King, Deputy Attorney General, represented complainant. Dale Maurice Armstrong (respondent) appeared personally and was represented by Scott J. Harris, Attorney at Law.

Evidence was received and the matter was submitted. The Administrative Law Judge finds as follows:

**FACTUAL FINDINGS**

1. Teresa Bella-Jones, J.D., M.S., R.N., (Complainant) issued the Statement of Issues and the Amended Statement of Issues in her official capacity as Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On February 11, 2009, the Board received an application for a Vocational Nurse License from respondent.

3. On July 22, 1985, in the Superior Court of New Jersey, Union County, Case No. S 1993-73343-1821, respondent entered a plea of guilty and was convicted of violating NJS 2C:39-3(b), possession of a prohibited weapon, a misdemeanor. Respondent was placed on probation for three years on certain conditions, including, inter alia, payment of fines and fees totaling \$1,025. In addition, respondent's driver's license was revoked for a period of the six months.

4. On August 19, 1994, in the Watchung Municipal Court, Somerset County, State of New Jersey, Case No. 427-04, respondent was found guilty and was convicted of violating NJS 2C:20-11(B)(1), shoplifting, a misdemeanor. Respondent was ordered to pay a fine of \$444.

5. On December 19, 1994, in the Plainfield Municipal Court, State of New Jersey, Case No. 94-D-8144, respondent was found guilty and was convicted of violating NJS 2C:36-2, possession of narcotic paraphernalia, a misdemeanor. Respondent was ordered to pay a fine of \$340.

6. On July 13, 1995, in the Superior Court of New Jersey, Union County, Case No. 95-07-01106, respondent entered a plea of guilty and was convicted of violating NJS 2C:35-10(a)(1), possession of cocaine, a misdemeanor. Respondent was placed on probation for three years on certain conditions, including, inter alia, payment of fines and fees totaling \$1,536. In addition, respondent's driver's license was suspended for a period of the six months.

7. On January 6, 1998, in the Municipal Court of the City of East Orange, State of New Jersey, Case No. S 1997-514, respondent was found guilty and was convicted of violating NJS 2C:20-11(B)(1), shoplifting, a misdemeanor. Respondent was sentenced to serve 12 days in jail and was ordered to pay a fine of \$628.

8. On September 25, 2006, in the Superior Court of California, County of Los Angeles, Case No. 61G017660, respondent entered a plea of nolo contendere and was convicted of violating Vehicle Code section 14601.1, subdivision (a), driving with a suspended license. Imposition of sentence was suspended and respondent was placed on probation for 36 months on certain conditions, including, inter alia, payment of fines and fees totaling \$1,255. Respondent was also ordered to perform 10 days of Cal Trans graffiti removal.

9. On January 25, 2012, in the Superior Court of California, County of Los Angeles, Case No. 1NW02795, respondent entered a plea of nolo contendere and was convicted of violating of Vehicle Code section 23152, subdivision (b), driving with a blood alcohol concentration of .08 percent or more, a misdemeanor. Imposition of sentence was suspended and respondent was placed on probation for 36 months on certain conditions, including, inter alia, payment of fines and fees totaling \$1,743, and completion of a three-month drug and alcohol education program. Respondent completed the drug and alcohol education program.

10. In his application for licensure, respondent answered "no" to question No. 7, which asked, "Have you ever been convicted of any offense, including traffic violations." Respondent testified that he assumed that Board was aware of his convictions because he had disclosed his conviction when he applied for his Certified Nurse Assistant's license. Respondent's explanation does not provide an excuse for not disclosing his convictions.

11. Respondent's wife and mother testified at the hearing. They stated that in respondent's youth, his father, brother and sister were murdered during an 18-month period. Respondent found it difficult to cope with such tragedies and began using drugs and committing crimes as a young adult.

### Rehabilitation

12. In an effort prove to the Board that he does have a drug or alcohol problem, respondent subjected himself to an evaluation by a Certified Chemical Dependency Counselor (counselor). The counselor gave respondent a battery of tests including the Short Michigan Alcoholism Screening Test (SMAST) and the Cage Questionnaire for Detection of Alcoholism. Respondent met with the counselor on four separate occasions. During each meeting, respondent was tested for drugs and alcohol, which were all negative. Based on the counseling sessions, the alcohol dependency testing, and drug and alcohol screening tests, the counselor opined that respondent's driving under the influence conviction was not indicative of a larger drug and alcohol problem and that respondent is not a risk to re-offend.

13. For the past three years respondent has worked as a Certified Nursing Assistant in the Intensive Care Unit (ICU) at Cedar-Sinai Medical Center in Los Angeles. He has performed well as a nurse assistant and is considered a valued employee at the hospital. Respondent submitted numerous letters from supervisors, registered nurses, and co-workers attesting to respondent's skill, knowledge, dedication and patience while working as a nurse assistant. For example, Cheryl Sievers, a registered nurse in the ICU at Cedars-Sinai states in her letter:

We work together to care for critically ill patients, which include general surgery patients, liver transplants, traumas, and patients who have undergone orthopedic surgeries. Dale is hardworking, friendly, easygoing, and takes initiative to the needs of our unit and our patients. He is eager to help the nurses with cleaning, turning and ambulating patients, entering doctor's orders in the computer, and is a great help to our busy unit especially when there is an emergency. In addition, he has an excellent rapport with our patients and their families. He is a very competent employee and a pleasure to work with.

14. Respondent submitted letters from four other registered nurses who work with respondent. Laarni Biado, RN, wrote that respondent "demonstrates positive interpersonal skills, when working with patients and families, with peers, MDs and to all members of the disciplinary team. . . . I believe and I am confident that he would make a significant contribution to the nursing field by taking his knowledge and commitment to patient care to the next level, License Vocational Nursing."

15. Finally, respondent submitted a letter from the wife of a patient who was hospitalized for almost three months. She wrote that during her husband's stay in the hospital, she observed respondent care for her husband and noted that respondent "is very caring and dedicated to his profession, and more importantly, to his patients as evidenced by the care he provided to my husband. He is committed to his patients and is genuinely concerned with the well-being and recovery of those in his care and combines a very personal touch in his delivery of service. . . . He is definitely the caliber of person you want in this profession. We actually wanted to hire Dale to come to our house and to help my husband with his post-hospital recovery."

16. Respondent also presented evidence of his community service. He coaches youth football and volunteers his time at the Cultural and Language Academy of Success Charter School.

### LEGAL CONCLUSIONS

1. Cause exists to deny respondent's application for an LVN license, under Business and Professions Code sections 480 and 2866, and California Code of Regulations, title 16, section 2521, for the convictions set forth in Factual Findings 3 through 9.
2. Cause exists to deny respondent's application for an LVN license, under Business and Professions Code sections 2866 and 480, subdivision (c), for making a false statement in his application for licensure as set forth in Factual Finding 10.
3. Cause exists to deny respondent's application for an LVN license, under Business and Professions Code sections 2866 and 480, subdivision (a)(2), for dishonest conduct as set forth in Factual Findings 4, 7 and 10.
4. Respondent presents a paradox. He is clearly an outstanding certified nursing assistant. Not only does he provide excellent care, he has the gift, talent, and ability to make patients feel better while they are convalescing. In his testimony, respondent was articulate, respectful and demonstrated a passion for his work at Cedar-Sinai. However, respondent presents a history of misconduct in his personal life. The tragedies that befell his family when he was a young boy were probably a contributing factor in his early brushes with the law. However, his last two Vehicle Code convictions (DUI and driving with a suspended license) were simply the result of bad decision-making. In consideration of all of the evidence presented in this case as well as respondent's demeanor and comportment while testifying, the public would be adequately protected if respondent is granted a probationary license under appropriate conditions, which includes a lengthy period of suspension for failing to disclose his convictions in his application for licensure and to educate respondent on the importance of accurate reporting.

## ORDER

The application for a Vocational Nurse License submitted by respondent Dale Maurice Armstrong, is denied; provided, however, that respondent shall be granted a probationary vocational nurse license for a period of three years on the following terms and conditions:

1. SUSPENSION OF LICENSE

Respondent is suspended from practice as a vocational nurse for 180 days beginning the effective date of this decision. During suspension, all probation conditions are in full force and effect except those relating to actual practice. The period of suspension will not apply to the reduction of this probationary period. The probation shall be automatically extended for the same time period as the length of suspension.

2. OBEY ALL LAWS

Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law, including alleged violations, to the Board within five (5) days of occurrence.

To ensure compliance with this condition, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprints were previously submitted by the respondent to the Board.

Respondent shall also submit to the Board a recent 2" x 2" photograph of himself within thirty (30) days of the effective date of the decision.

If respondent is under a criminal court order, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions.

3. COMPLIANCE WITH PROBATION PROGRAM

Respondent shall fully comply with the conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Probation Program.

Upon successful completion of probation, the respondent's license will be fully restored.

4. SUBMIT WRITTEN REPORTS

Respondent shall submit or cause to be submitted, under penalty of perjury, any written reports, declarations and verification of actions as required by the Board or its representatives. These reports or declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

In the first report, respondent shall provide a list of all states and territories where he has ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse. Respondent shall provide information regarding the status of each license and any change in license status during the period of probation. Respondent shall inform the Board if he applies for or obtains a new nursing or psychiatric technician license during the period of probation.

Respondent shall provide a copy of the Board's decision to the regulatory agency in every state and territory in which he has applied for or holds a vocational/practical nurse, psychiatric technician and/or registered nurse license.

5. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S)

Respondent shall notify the Board, in writing, within five (5) days of any change in address or telephone number(s).

Respondent's failure to claim mail sent by the Board may be deemed a violation of these probation conditions.

6. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE

Respondent shall notify the Board, in writing, within five (5) days, if he/she leaves California to reside or practice in another state. Periods of residency or practice outside of California shall not apply toward a reduction of this probation time period. If respondent resides or practices outside of California, the period of probation shall be automatically extended for the same time period he resides or practices outside of California. The respondent shall provide written notice to the Board within five (5) days of any change of residency or practice. Respondent shall notify the Board, in writing, within five (5) days, upon his return to California.

7. MEETINGS WITH BOARD REPRESENTATIVE(S)

Respondent shall appear in person at meetings as directed by the Board or its designated representatives.

8. NOTIFICATION TO EMPLOYER(S)

When currently employed or applying for employment in any capacity in any health care profession, respondent shall notify his employer of the probationary status of respondent's license. This notification to the respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care employer of his probationary status with the Board prior to accepting such employment. At a minimum, this notification shall be accomplished by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit to the Board all performance evaluations and any other employment related reports as required by the Board. Respondent shall notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of such an event.

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if he is terminated or separated, regardless of cause, from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination or separation.

9. EMPLOYMENT REQUIREMENTS AND LIMITATIONS

Respondent shall work in his licensed capacity in the state of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

Respondent shall not work for a nurses' registry or in any private duty position, a temporary nurse placement agency, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

10. SUPERVISION REQUIREMENTS

Before commencing or continuing employment in any health care profession, respondent shall obtain approval from the Board of the supervision provided to the respondent while employed.



Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

11. COMPLETION OF EDUCATIONAL COURSE(S)

Respondent, at his own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify the respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

12. MAINTENANCE OF VALID LICENSE

Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

13. LICENSE SURRENDER

During probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender his license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A licensee who surrenders his license may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision for the surrender:

- Three (3) years for reinstatement of a license surrendered for any reason other than a mental or physical illness; or
- One (1) year for a license surrendered for a mental or physical illness.

14. VIOLATION OF PROBATION

If respondent violates the conditions of his probation, the Board, after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the respondent's license. If during probation, an accusation or petition to revoke probation has been filed against the respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

15. ABSTAIN FROM USE OF ALCOHOL

Respondent shall completely abstain from the use of alcoholic beverages and products containing alcohol.

16. SUBMIT BIOLOGICAL FLUID SAMPLES

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and the respondent's current employer.

DATED: July 6, 2012



HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
4 State Bar No. 138213  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2579  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
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8  
9 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
11

12 In the Matter of the First Amended Statement of  
Issues Against:

Case No. VN-2008-2507

13 **DALE MAURICE ARMSTRONG**  
14 3403 1/2 West 82nd Street  
Inglewood, CA 90305

**FIRST AMENDED STATEMENT OF  
ISSUES**

15  
16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this First Amended  
21 Statement of Issues solely in her official capacity as the Executive Officer of the Board of  
22 Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

23 2. On or about February 11, 2009, the Board received a Vocational Nurse License  
24 Application from Dale Maurice Armstrong (Respondent). On or about August 22, 2007, Dale  
25 Maurice Armstrong certified under penalty of perjury to the truthfulness of all statements,  
26 answers, and representations in the application. The Board denied the application on  
27 July 19, 2010.

28 ///



1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Convictions of Crimes)**

3 7. Respondent's application is subject to denial under section 480, subdivision (a) (1), in  
4 that Respondent was convicted of crimes, as follows:

5 a. On or about January 25, 2012, after pleading nolo contendere, Respondent was  
6 convicted of one misdemeanor count of violating Vehicle Code section 23152 (B) [driving with a  
7 Blood Alcohol Content (BAC) of .08% or higher] in the criminal proceeding entitled *The People*  
8 *of the State of California v. Dale Maurice Armstrong* (Super. Ct. Los Angeles County, 2006, No.  
9 1NW02795). The Court placed Respondent on 36 months of probation, ordered him to enroll in  
10 and complete a three month alcohol and drug program, and imposed fines, costs, and fees in the  
11 total amount of \$1,743.00.

12 b. The circumstances underlying the conviction are that on or about June 25, 2011, a  
13 police officer observed a vehicle stop on the right shoulder of the SR-14 freeway near Escondido  
14 Road with its hazard lights activated. Upon contacting Armstrong, the officer immediately  
15 detected the distinct odor of an alcoholic beverage emitting from Respondent's breath and person.  
16 Respondent stated that he had left the Hollywood area and was on route to his home in  
17 Inglewood. He did not know where he was. He admitted to drinking one beer prior to driving.  
18 Respondent performed a field sobriety test and a preliminary alcohol screening device detected a  
19 blood alcohol content of .187% and .176% at the site of his arrest. Based on the field sobriety  
20 test, Respondent's admission, and the objective signs and symptoms of alcohol intoxication, the  
21 officer arrested Respondent for driving under the influence of alcohol. Respondent was  
22 transported to the Newhall area CHP office and submitted to a breath test with results of .13%  
23 and .14% BAC.

24 c. On or about September 25, 2006, after pleading nolo contendere, Respondent was  
25 convicted of one misdemeanor count of violating Vehicle Code section 14601.1(a) [driving with a  
26 suspended license] in the criminal proceeding entitled *The People of the State of California v.*  
27 *Dale Maurice Armstrong* (Super. Ct. Los Angeles County, 2006, No. 6IG01760). The Court  
28 placed Respondent on 36 months of probation, and ordered him to perform 10 days of Cal Trans

1 or Graffiti removal in lieu of \$1,255.00 fines, costs and fees. The circumstances underlying the  
2 conviction are that on or about May 10, 2006, Respondent was driving his vehicle when his  
3 license was suspended.

4 a. On or about January 6, 1998, after findings of guilty, Respondent was convicted of  
5 violating New Jersey Statute 2C:20-11B(1) [shoplifting] and 2C:29-3A(7) [hindering arrest] in  
6 the criminal proceeding entitled *State vs. Dale M. Armstrong* in the Municipal Court, City of East  
7 Orange, State of New Jersey, Case No. S-1997-514. The Court sentenced Respondent to 12 days  
8 in jail, and ordered him to pay \$628.00 in fines, costs and fees. The circumstances underlying the  
9 conviction are that on or about September 20, 1997, Respondent stole \$106.38 worth of  
10 merchandise from K-Mart, North Plainfield, New Jersey, and told the arresting officers his name  
11 was that of another, claiming to be a juvenile 17 years of age, when in fact, he was 31 years of  
12 age.

13 b. On or about July 13, 1995, after pleading guilty, Respondent was convicted of  
14 violating NJS 2C:35-10(a)(1) [possession of CDS, 3<sup>rd</sup> degree, to wit, cocaine] in the criminal  
15 proceeding entitled *State vs. Dale Armstrong* in the New Jersey Superior Court, Union County,  
16 Case No. 95-07-01106. The Court placed Respondent on three (3) years of probation, ordered his  
17 driving privileges suspended for six (6) months, and ordered him to pay \$1,536 in fines, costs and  
18 fees. The circumstances underlying the conviction are that on or about May 25, 1995,  
19 Respondent was in possession of cocaine, a controlled dangerous substance.

20 c. On or about December 19, 1994, after finding of guilty, Respondent was convicted of  
21 violating NJS 2C:36-2 [possession of narcotic paraphernalia] in the criminal proceeding entitled  
22 *State vs. Dale Armstrong* in the Municipal Court, City of Plainfield, State of New Jersey, Case  
23 No. 94-D-8144. The Court ordered Respondent to pay \$340.00 in fines, costs and fees. The circu  
24 mstances underlying the conviction are that on or about December 9, 1994, Respondent was  
25 arrested for the herein referenced violation.

26 d. On or about August 19, 1994, after finding of guilty, Respondent was convicted of  
27 violating NJS 2C:20-11B(1) [shoplifting] in the criminal proceeding entitled *State vs. Dale*  
28 *Armstrong* in the Watchung Municipal Court, County of Somerset, State of New Jersey, Case No.

1 S-1993-73343-1821. The Court ordered Respondent to pay \$444.00 in fines, costs and fees. The  
2 circumstances underlying the conviction are that on or about December 6, 1993, Respondent was  
3 arrested for shoplifting \$8.99 worth of merchandise from Caldors store, Watchung, New Jersey.

4 e. On or about July 22, 1985, after pleading guilty, Respondent was convicted of  
5 violating NJS 2C:39-3(b) [prohibited weapon, 3<sup>rd</sup> degree] in the criminal proceeding entitled *State*  
6 *of New Jersey vs. Dale Armstrong* in the New Jersey Superior Court, Union County, Case  
7 No. 427-04, 1985 Term. The Court placed Respondent on three (3) years of probation, ordered  
8 his driving privileges revoked for six (6) months, and ordered him to pay \$1,025.00 in fines, costs  
9 and fees. The circumstances underlying the conviction are that on or about February 24, 1985,  
10 Respondent was arrested and subsequently charged with possession of a prohibited weapon.

#### 11 **SECOND CAUSE FOR DENIAL OF APPLICATION**

##### 12 **(False Statement on Application for Licensure)**

13 8. Respondent's application is subject to denial under section 480, subdivision (s), in  
14 that Respondent knowingly made a false statement of fact required to be revealed in his  
15 application for licensure, in that on or about August 22, 2007, Respondent executed for  
16 submission to the Board a Record of Conviction certifying under penalty of perjury to the  
17 truthfulness and correctness of the statements within. On or about February 11, 2009, the Board  
18 received Respondent's application. Respondent answered "No" in response to the Application's  
19 Record of Conviction question No. 7, when in fact, he knowingly had been convicted of crimes.  
20 Question No. 7 states:

21 7. Have you ever been "convicted" of any offense, including traffic violations? ☐ Yes ☒ No

22 **(Note: See back page for more information)**

23 Remember you must include:

24 **Misdemeanors and felonies.** Regardless of length of time which has passed since the  
conviction.

25 Any plea of **nolo contendere**. This is considered a conviction for licensure purposes.

26 Any offense for which you were:

- 27 - Imprisoned
- Placed on probation or fined
- 28 - Any offense which arose during your military service
- Any offense in which the imposition or execution of sentence was suspended
- Any offense in which an order of rehabilitation was entered
- Any record of conviction which was expunged or a pardon granted

1 Complainant refers to and by this reference incorporates the allegations set forth above in  
2 paragraph 7, subparagraphs a -f, inclusive, as though set forth fully.

3 **THIRD CAUSE FOR DENIAL OF APPLICATION**

4 **(Dishonest Acts)**

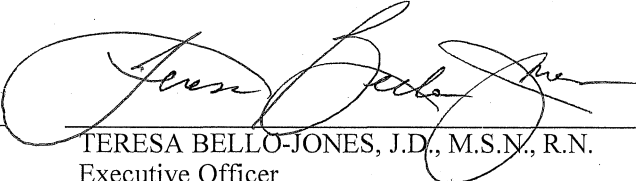
5 9. Respondent's application is subject to denial under section 480, subdivision (a)(2), in  
6 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to  
7 substantially benefit himself. Complainant refers to and by this reference incorporates the  
8 allegations set forth above in paragraphs 7 - 8, inclusive, as though set forth fully.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board issue a decision:

- 12 1. Denying Dale Maurice Armstrong's Vocational Nurse License Application; and  
13 2. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: February 13, 2012

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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